

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Request for Review of the)
Decision of the)
Universal Service Administrator by)
)
Folsom Cordova Unified School District) File Nos. SLD-152091, SLD-
Folsom, California) 152093, SLD-152094, SLD-152126,
) SLD-152128
)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
)
Changes to the Board of Directors of the) CC Docket No. 97-21 ✓
National Exchange Carrier Association, Inc.)

ORDER**Adopted: August 23, 2000****Released: August 24, 2000**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Letter of Appeal filed by Folsom Cordova Unified School District (Folsom Cordova), Folsom, California, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator).¹ Folsom Cordova seeks review of SLD's refusal to consider Folsom Cordova's appeal to SLD on the grounds that it was untimely filed. For the reasons set forth below, we deny Folsom Cordova's appeal.

2. SLD issued Funding Commitment Decision Letters on October 5, 1999 and October 12, 1999, denying Folsom Cordova's requests for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied Folsom Cordova's

¹ Letter from Kelly J. Calhoun, Folsom Cordova Unified School District, to Federal Communications Commission, filed May 15, 2000 (Letter of Appeal).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly J. Calhoun, Folsom Cordova Unified School District, dated October 5, 1999 (regarding FRN 262742); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly J. Calhoun, Folsom Cordova Unified School District, dated October 5, 1999 (regarding FRN 152093); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly J. Calhoun, Folsom Cordova Unified School District, dated October 12, 1999 (regarding FRN 272598); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly J. Calhoun, Folsom Cordova Unified School District, dated October 5, 1999 (regarding FRN 272555); Letter from Schools and Libraries Division, Universal Service Administrative Company,

request for discounts for internal connections. On April 17, 2000, Folsom Cordova filed an appeal of SLD's decision to deny funding.³ On April 19, 2000, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Folsom Cordova's appeal because it was received more than 30 days after the Funding Commitment Decision Letter was issued.⁴ Folsom Cordova subsequently filed the instant Letter of Appeal with the Commission.

3. Under section 54.720 of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision as to which review is sought.⁵ Documents are considered to be filed with the Commission or SLD only upon receipt.⁶ The 30-day deadline contained in section 54.720 of the Commission's rules applies to all requests for review filed by a party affected by a decision issued by the Administrator. Because Folsom Cordova failed to file an appeal of the October 5, 1999 and October 12, 1999 Funding Commitment Decision Letters within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Folsom Cordova's appeal to SLD as untimely and deny the instant Letter of Appeal.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Letter of Appeal filed by Folsom Cordova Unified School District, Folsom, California on May 15, 2000, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Sharon L. Webber
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

to Kelly J. Calhoun, Folsom Cordova Unified School District, dated October 5, 1999 (regarding FRN 272518) (Funding Commitment Decision Letters).

³ Letter from Kelly Calhoun, Folsom Cordova Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed April 17, 2000. Although Folsom Cordova states that it sent an appeal dated October 29, 1999 to SLD, there is no indication in the record that such an appeal was filed.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly Calhoun, Folsom Cordova Unified School District, filed April 19, 2000 (regarding FRN 262742); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly Calhoun, Folsom Cordova Unified School District, filed April 19, 2000 (regarding FRN 272582); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly Calhoun, Folsom Cordova Unified School District, filed April 19, 2000 (regarding FRN 272598); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly Calhoun, Folsom Cordova Unified School District, filed April 19, 2000 (regarding FRN 272555); Letter from Schools and Libraries Division, Universal Service Administrative Company, to Kelly Calhoun, Folsom Cordova Unified School District, filed April 19, 2000 (regarding FRN 272518) (Administrator's Decision on Appeal).

⁵ 47 C.F.R. § 54.720.

⁶ 47 C.F.R. § 1.7.